

## Remarks

### I. Introduction

This is in response to the Office Action dated March 13, 2008.

The Office Action rejected claims 1, 4, 7-9, and 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,842,449 (Hardjono). Claims 2-3, 5-6, and 15-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hardjono in view of U.S. Patent No. 7,313,131 (O'Connor et al.). Claims 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hardjono in view of U.S. Patent No. 6,327,267 (Valentine et al.). Claims 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hardjono in view of Valentine et al. and further in view of U.S. Patent No. 7,245,912 (Fenton).

### II. Rejection under 35 U.S.C. §102(e)

Independent claims 1, 8, and 14 were rejected as being anticipated by Hardjono. In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Hardjono does not show each and every limitation of independent claims 1, 8, and 14. Therefore, applicants request the withdrawal of the rejections under 35 U.S.C. §102(e).

The present invention relates to improving call setup in an internet protocol (IP) network. As described in paragraph [0010], the present invention relates to a network node removing itself from the call setup signaling path upon a determination that the network node is no longer needed in the signaling path in order to complete the call setup. The removal of the network node from the call signaling path frees up network resources, speeds up call setup, and reduces post dial delay (PDD).

An example of call processing in accordance with an embodiment is described in the specification in paragraphs [0023]-[0026]. In this example, an IP telephony call is

initiated at an IP telephone. The IP telephone is connected to the IP network via a border element. The transaction begins by the calling telephone sending an INVITE request to the called telephone. (paragraph [0023]). The INVITE message is received at a call control element (CCE). The CCE then proceeds to determine if any special feature processing is required to complete the call by sending the INVITE message to a Service Broker (SB). The SB determines whether specific processing is required based on call information contained in the INVITE message. If special feature processing is required the SB determines the appropriate application server to provide the feature processing, and sends a REDIRECT message to the CCE to connect the appropriate application server. In this example, an Application Server (AS) has been identified by the SB as required to setup the call and is therefore inserted into the call signaling path by the CCE. (paragraph [0024]). Once the AS has performed the required feature processing and the AS determines that it is no longer required in the signaling path, the AS then removes itself from the signaling path and the CCE proceeds with connecting the IP telephony call without the AS node in the calling path. (paragraph [0025]).

The aspect of the Application Server being inserted into the signaling path of a call and then removing itself from the signaling path once it has been determined that special feature processing is no longer required to complete the call is recited in independent claim 1. In particular, independent claim 1 recites:

- receiving at an application server call information whereby said application server is inserted into a signaling path for said call;
- determining, at said application server, whether said application server is required in the signaling path to complete call setup for said call; and
- if said application server is not required in the signaling path to complete said call setup, said application server removing itself from the signaling path.

Hardjono is directed to a method and system for registering and automatically retrieving digital-certificates in voice over Internet protocol (VOIP) communications. As described in Col. 4 lines 9-35, when a call is initiated, a Session Initiation Protocol (SIP) proxy server mediates the call between two IP-telecommunication devices. The SIP proxy server receives an invite message that contains certificate information for the allowance of an IP-communication to proceed. A message is then also sent to the

called device to verify whether the call will be accepted and therefore processed by the SIP proxy server. At Col. 4 line 44 to Col. 5 line 7, Hardjono further describes an online certificate status protocol (OCSP) that allows for the SIP proxy server to automatically check whether the certificate of the called device and the calling device match which represents that a call has been preauthorized, and if so then the IP-communication can be verified and processed automatically.

The Office Action alleges that Hardjono teaches the limitations of independent claim 1. In particular, the Office Action states that Col. 10, lines 23-43 and Fig. 8 of Hardjono shows that an “OCSP may return a status verification message to indicate whether the certificate is valid or not.’ If the certificate is valid, the location server with OCSP will remove itself. If the certificate is not valid, the setup will return to step 840.” Hardjono, however, does not disclose the OCSP removing itself from a signaling path. With reference to Col. 10, lines 23-43 and Fig. 8, Hardjono describes the calling process on an IP-communication when a called party’s signature is not verified. Hardjono describes the OCSP as being responsible for the certificate verification process. Col. 10, lines 23-42 goes through the detailed back and forth communication process between the SIP and the OCSP that occurs during the certificate verification procedure. If, after the preliminary interaction with the SIP proxy server, the OCSP was removed from the signaling path of, it would be impossible to complete the IP-communication certificate verification process as Hardjono teaches. In this sense, Hardjono not only does not show the OCSP removing itself from the calling path, but due to the repetition of the interactions between the OCSP and the SIP proxy server throughout the IP-communication process Hardjono clearly teaches away from the claimed method of removing the network element from the signaling path. Therefore, Hardjono does not disclose “determining, at said application server, whether said application server is required in the signaling path to complete call setup for said call,” and “if said application server is not required in the signaling path to complete said call setup, said application server removing itself from the signaling path,” as described in independent claim 1.

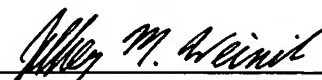
Thus, for the reasons discussed above, independent claim 1 is allowable over the cited art. Independent claims 8 and 14 recite similar limitations to claim 1 and are allowable for the same reason. Since all dependent claims depend for allowable independent claims, all dependent claims are also allowable.

Dependent claims 2 and 15 further add patentable subject matter. Claims 2 and 15 are directed to an aspect of the invention in which the Application Server or network node, respectively, removes itself from the calling path by "transmitting an SIP REDIRECT message to a call control element." The Office action admits that Hardjono does not disclose this limitation. The Office Action relies on O'Connor as disclosing this limitation. However, O'Connor does not disclose an SIP REDIRECT message that directs an Application server to remove itself from a call signaling path as claimed in claim 2. At Col. 5 lines 4-7 O'Connor discloses an SIP redirect server that operates to transfer SIP messages on the network, not SIP REDIRECT messages as described by Applicant. Therefore, O'Connor does not disclose "transmitting an SIP REDIRECT message to a call control element," as recited in claims 2 and 15.

### III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

  
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